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MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER SHIN, KYUNG H	
			ART UNIT 2143	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/728,023

Applicant(s)

PETTIGREW, NANCY

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responding to application papers filed on **8-8-2007**. Claims **1 - 36** are pending. Claims **1, 13, 24** have been amended. Claims **1, 13, 24** are independent.

Response to Arguments

2. Applicant's arguments filed 8/8/2007 have been fully considered but they are not persuasive.

2.1 The double patenting rejection must remain until the Terminal Disclaimer is actually filed.

2.2 Applicant argues that the referenced prior art does not disclose, "*Mastrianni as disclosing a packet sniffer*". (see Remarks Page 8, 9)

The Mastrianni prior art is not utilized to disclose a packet sniffer. The Bandini prior art discloses the claimed packet sniffer. The Mastrianni discloses the capability to retrieve an originating IP address from an email message for further processing by the email relay (packet sniffer) of the Bandini prior art in the Bandini and Mastrianni prior art combination. (see Bandini col. 2, lines 9-12; col. 2, lines 47-48; col. 2, lines 62-67: one email relay (packet sniffer) per email server, email relay (packet sniffer) coupled to email server; see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing)

2.3 Applicant argues that the referenced prior art does not disclose, "*a packet sniffer located in each of a plurality of email servers*". (see Remarks Page 10)

The Bandini prior art disclose the capability for a one to one capacity for a e-mail relay (packet sniffer) and e-mail server. (see Bandini col. 2, lines 9-12: col. 2, lines 47-48; col. 2, lines 62-67: one email relay (packet sniffer) per email server, email relay (packet sniffer) coupled to email server)

2.4 The examiner has considered the applicant's remarks concerning a system and method for detecting spam e-mail over a distributed network including multiple servers that receive and process e-mail messages for multiple remotely located clients. The system includes multiple packet sniffers that are each located on a unique one of the servers and extracts originating IP addresses associated with e-mail messages. The system further includes a central monitor to determine whether an originating IP address has exceeded a threshold value, which may result in a generated alert or blocking messages originating from that IP address. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Bandini (7,117,358), Mastrianni (20020116641) and Lewis (20030109248) discloses the applicant's invention including disclosures in Remarks dated August 8, 2007.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created

Art Unit: 2143

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed **terminal disclaimer** in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.1 Claims 1 - 36 are **provisionally** rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over,

claims 1 - 33 of copending Application No. 10/690,422;

claims 1 - 33 of copending Application No. 10/849,090; and

claims 1 - 33 of copending Application No. 10/994,010.

This is a **provisional** double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common

subject matter,

Claims of the instant application therefore are not patently distinct from the other application claims and as such are unpatentable over obvious-type double patenting. Later applications claims are not patentably distinct from earlier claims, if the later claims are anticipated by the earlier claim.

- 3.2 Although the conflicting claims are not identical, they are not patentably distinct from each other, because the subject matter claimed in the instant application is fully disclosed in the referenced copending applications: claims 1, 5, 9, 10, 26, 30 of copending Application No. 10/690,422; claims 13, 30 of copending Application No. 10/849,090; and claims 1, 13 of copending Application No. 10/994,010, and would be covered by any patent granted on that copending application since the referenced copending applications and the instant application are claiming common subject matter,

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be

Art Unit: 2143

negated by the manner in which the invention was made.

5. Claim **1, 3 - 8, 13, 14, 16 - 19, 24, 25, 32 - 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bandini et al.** (US Patent No. **7,117,358**) in view of **Mastrianni** (US PG PUB No. **20020116641**).

Regarding Claims 1, 13, Bandini discloses a system for processing e-mail comprising:

Bandini discloses wherein distributed network including a plurality of servers that receive e-mail messages for a plurality of different remotely located clients, each of the servers having a packet sniffer that extracts addresses associated with e-mail messages that are communicated to the clients over the distributed network. In addition, Bandini discloses wherein a monitor that communicates with the plurality of packet sniffers and that monitors data regarding the addresses, wherein the monitor is configured to determine whether traffic from an address has exceeded a threshold value, the monitor being further configured to generate a response to detect spam e-mail messages if the threshold value has been exceeded. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: distributed network; col. 1, lines 30-41: e-mail relay (packet sniffer) to monitor e-mail messages, e-mail address processing, threshold processing; col. 4, lines 50-52; col. 4, lines 63-67: exceeding threshold; col. 3, lines 63-65: response; col. 2, lines 9-12: col. 2, lines 47-48; col. 2, lines 62-67: one email relay (packet sniffer) per email server, email relay (packet sniffer) coupled to email server; multiple (two or more) servers, multiple (two or more) email relays (packet sniffers)

Bandini does not specifically disclose extracting originating IP addresses associated with e-mail messages.

However, Mastrianni discloses wherein:

- a) that extracts originating IP addresses associated with e-mail messages that are communicated to the clients over the network; (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing) and
- b) that monitors data regarding the originating IP addresses, determines whether traffic from an originating IP address has exceeded a threshold value. (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing)

It would have been obvious to one of ordinary skill in the art to modify Bandini as taught by Mastrianni to enable the capability that extracts originating IP addresses associated with e-mail messages, and determines whether traffic from an originating IP address has exceeded a threshold value, and generates a response. One of ordinary skill in the art would have been motivated to employ the teachings of Mastrianni in order to enable the capability for the filtering of e-mail message based on IP addresses. (see Mastrianni paragraph [0006], lines 1-8: “ ... *Current technology to determine the contents of an e-mail message have focused on providing the algorithms to determine the contents of the message using some form of message scanning. The scanning routine attempts to determine the contents of the message based on semantic rules. It would be desirable, however, to have an e-mail filtering program that filters out messages based on the user or sender's identification or IP address. ...* ”)

Art Unit: 2143

Regarding Claim 3, Bandini discloses the system of claim 1 wherein each of the servers further includes a message switch that determines whether e-mail messages are spam, and communicates e-mail messages to clients. (see Bandini col. 1, lines 32-41: spam determination; col. 3, lines 37-42: transfer message to client)

Regarding Claims 4, 14, Bandini discloses the system of claims 1, 13 wherein the monitor resides on a server separate from the packet sniffers. (see col. 2, lines 9-14: email relay separate from email server)

Regarding Claims 5, 16, 32, Bandini discloses the system, method of claims 3, 13, 24 further comprising:

- a) a spam database for storing rules for determining whether e-mail messages are spam; (see Bandini col. 1, lines 35-39: spam database)
- b) wherein the message switch determines whether e-mail messages are spam based on the rules within the spam database. (see Bandini col. 1, lines 35-39: database used to determine whether mail message is spam)

Regarding Claims 6, 17, 33, Bandini discloses the system, method of claims 5, 16, 32 wherein each rule in the database is assigned a score that is used to determine whether an e-mail message is spam. (see Bandini col. 4, lines 50-54; col. 4, lines 63-67: score used for ranking mail messages as spam)

Art Unit: 2143

Regarding Claims 7, 18, 34, Bandini discloses the system, method of claims 6, 17, 33 wherein the response generated by the monitor comprises raising the score of a rule corresponding to the originating IP address. (see Bandini col. 4, lines 48-52: update score)

Regarding Claims 8, 19, 35, Bandini discloses the system, method of claims 1, 13, 24 wherein the response generated by the monitor. (see Bandini col. 3, lines 63-65: response) Bandini does not specifically disclose the response generated comprises an alert that is communicated to a spam analyst. However, Mastrianni discloses wherein the response comprises an alert that is communicated to a spam analyst. (see Mastrianni paragraph [0043], lines 6-10: response to administrator)

It would have been obvious to one of ordinary skill in the art to modify Bandini as taught by Mastrianni to enable the capability for the response generated comprising an alert that is communicated to a spam analyst. One of ordinary skill in the art would have been motivated to employ the teachings of Mastrianni in order to enable the capability for the filtering of e-mail message based on IP addresses. (see Mastrianni paragraph [0006], lines 1-8)

Regarding Claims 24, Bandini discloses a method for processing e-mail and detecting spam e-mail messages, comprising:

- a) routing the e-mail messages through a distributed network including a plurality of servers that receive and process e-mail messages for a plurality of different

Art Unit: 2143

remotely located clients; (see Bandini col. 2, lines 9-14; col. 2, lines 64-67:
network; col. 1, lines 32-41: e-mail processing system)

- b) communicating the processed messages to the plurality of remotely located clients by use of the plurality of servers; (see col. 1, lines 32-41: e-mail processing system)

Bandini discloses wherein extracting, at the plurality of server, addresses associated with e-mail messages that are communicated to the plurality of remotely located clients. (see Bandini col. 2, lines 9-12; col. 2, lines 47-48; col. 2, lines 62-67: one email relay (packet sniffer) per email server, email relay (packet sniffer) coupled to email server; multiple (two or more) email server, multiple (two or more) email relays (packet sniffers); consisting of two or more of the same kind (two mail servers) (<http://onlinedictionary.datasegment.com/word/plurality>) Bandini does not specifically disclose extracting originating IP addresses associated with e-mail messages.

However, Mastrianni discloses:

- c) extracting originating IP addresses associated with e-mail messages that are communicated to the plurality of remotely located clients; (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing)
- d) monitoring data regarding originating IP addresses; (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing)

- e) determining whether traffic from an originating IP address has exceeded a threshold value; (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing; paragraph [0007], lines 7-12: threshold) and
- f) generating a response for use in detecting spam e-mail messages if the threshold value has been exceeded. (see Mastrianni paragraph [0043], lines 6-10: response to administrator)

It would have been obvious to one of ordinary skill in the art to modify Bandini as taught by Mastrianni to enable the capability to extract originating IP addresses associated with e-mail messages, and determines whether traffic from an originating IP address has exceeded a threshold value, and generating a response. One of ordinary skill in the art would have been motivated to employ the teachings of Mastrianni in order to enable the capability for the filtering of e-mail message utilizing IP addresses. (see Mastrianni paragraph [0006], lines 1-8)

Regarding Claims 25, Bandini discloses the method of claim 24 further comprising: storing data regarding addresses in a database. (see Bandini col. 2, lines 56-58: databases, spam and message store) Bandini does not specifically disclose the originating IP addresses. However, Mastrianni discloses wherein the originating IP addresses. (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for e-mail processing)

It would have been obvious to one of ordinary skill in the art to modify Bandini as

Art Unit: 2143

taught by Mastrianni to enable the capability for originating IP addresses. One of ordinary skill in the art would have been motivated to employ the teachings of Mastrianni in order to enable the capability for the filtering of e-mail message utilizing IP addresses. (see Mastrianni paragraph [0006], lines 1-8)

6. Claims **2, 9 - 12, 15, 20 - 23, 26 - 31, 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bandini-Mastrianni** and further in view of **Lewis et al.** (US PG PUB No. **20030109248**).

Regarding Claim 2, Bandini-Mastrianni discloses the system of claim 1.

And, Bandini discloses wherein each server checks the originating IP addresses of incoming connections. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: mail server monitoring and processing system; col. 5, lines 44-47: check e-mail sender addresses)

Bandini does not specifically disclose a blacklist containing IP addresses that have been determined to be generating spam e-mail messages, and rejecting any connection originating from an address on the blacklist.

However, Lewis discloses wherein:

- a) wherein each of the servers further includes a blacklist containing IP addresses that have been determined to be generating spam e-mail messages; (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for IP addresses for spam) and
- b) wherein each server checks the originating IP addresses of incoming connections to the addresses contained in the blacklist, and rejects any

Art Unit: 2143

connection originating from an address on the blacklist. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for IP addresses for spam)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a blacklist containing restricted IP addresses. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7: "*... In summary, customers often desire increased access to a messaging system as well as an improved set of functions with which to interact with the system. Applicants have found that existing messaging systems do not provide customers proper access to the system nor do they provide a set of functions that allow acceptable interaction. Accordingly, an improved customer interface is needed. ...*")

Regarding Claims 9, 31, Bandini discloses the system, method of claims 2, 30. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: mail server monitoring and processing system; col. 5, lines 44-47: check e-mail sender addresses) Bandini does not specifically disclose a command to add the originating IP address to the blacklist. However, Lewis discloses wherein the response generated by the monitor comprises a command to add the originating IP address to the blacklist. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist processing for originating IP addresses)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a command to add the originating IP address to the blacklist. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 10, 21, 27, Bandini discloses the system, method of claims 1, 13, 24. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: mail server monitoring and processing system; col. 5, lines 44-47: check e-mail sender addresses) Bandini does not specifically disclose the threshold value comprises a rate parameter. However, Lewis discloses wherein the threshold value comprises a rate parameter. (see Lewis paragraph [0296], lines 5-7; paragraph [0483], lines 2-8: connection rate (per second))

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a threshold value comprising a rate parameter. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 11, 22, 28, Bandini discloses the system, method of claims 1, 13, 24. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: mail server monitoring and

Art Unit: 2143

processing system; col. 5, lines 44-47: check e-mail sender addresses) Bandini does not specifically disclose the threshold value comprises a maximum total connections parameter. However, Lewis discloses wherein the threshold value comprises a maximum total connections parameter. (see Lewis paragraph [0296], lines 5-7; paragraph [0483], lines 2-8: connections)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize the threshold value comprises a maximum total connections parameter. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 12, 23, 29, Bandini discloses the system, method of claims 1, 13, 24 wherein the monitor determines whether an address has exceeded a threshold value. (see Bandini col. 1, lines 30-41: e-mail relay to monitor e-mail message processing, threshold processing; col. 4, lines 50-52; col. 4, lines 63-67: exceeding threshold) Bandini does not specifically disclose whether an originating IP address has exceeded a threshold value by including a rate parameter and a maximum connections allowed parameter. However, Lewis discloses wherein whether an originating IP address has exceeded a threshold value by use of a token bucket algorithm including a rate parameter and a maximum connections allowed parameter. (see Lewis paragraph [0296], lines 5-7; paragraph [0483], lines 2-8: connections, rate (per second))

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a threshold value including a rate parameter and a maximum connections allowed parameter. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 15, Bandini discloses the system of claim 13. (see Bandini col. 2, lines 9-14; col. 2, lines 62-67: mail server monitoring and processing system; col. 5, lines 44-47: check e-mail sender addresses) Bandini discloses a store on each server. (see Bandini col. 2, lines 56-58: storage; col. 2, lines 9-14; col. 2, lines 62-67: servers) Bandini does not specifically disclose a blacklist, and the blacklist including IP addresses that have been determined to be generating spam. However, Lewis discloses wherein further comprising: a blacklist, the blacklist including IP addresses that have been determined to be generating spam. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for IP addresses for spam)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a blacklist, and the blacklist including IP addresses that have been determined to be generating spam. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for

Art Unit: 2143

email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 20, 36, Bandini discloses the system of claims 13, 24 wherein the response generated by the monitor comprises a command to the system to block future e-mail messages. (see Bandini col. 4, lines 20-24: block mail messages from email address) Bandini does not specifically disclose the originating IP address. However, Lewis discloses wherein a command to the system to block future e-mail messages from the originating IP address. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for originating IP addresses)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a command to the system to block future e-mail messages from the originating IP address. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 26, Bandini discloses the method of claim 24.

Bandini discloses checking addresses, and determining whether traffic from an originating IP address has exceeded a threshold. (see Bandini col. 1, lines 30-41: e-mail relay to monitor e-mail message processing, threshold processing; col. 4, lines 50-52; col. 4, lines 63-67: exceeding threshold) Bandini does not specifically disclose checking originating IP addresses against the list, and determining whether traffic from

Art Unit: 2143

an originating IP address has exceeded a threshold value.

However, Lewis discloses wherein further comprising: maintaining a list of acceptable IP addresses:

- a) checking originating IP addresses against the list; (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for originating IP addresses, whitelist) and
- b) determining whether traffic from an originating IP address has exceeded a threshold value only if the originating IP address is not in the list. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for originating IP addresses)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to check originating IP addresses against the list, and an originating IP address has exceeded a threshold value. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Regarding Claims 30, Bandini discloses the method of claim 24.

Bandini does not specifically disclose a blacklist.

However, Lewis discloses further comprising:

- a) storing IP addresses that have been determined to be generating spam in a blacklist; (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11;

paragraph [0317], lines 5-11: blacklist for IP addresses)

- b) checking originating IP addresses of incoming connections to the servers against the IP addresses contained in the blacklist; (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for IP addresses) and
- c) rejecting any connection originating from an IP address in the blacklist. (see Lewis paragraph [0122], lines 11-14; paragraph [0296], lines 9-11; paragraph [0317], lines 5-11: blacklist for IP addresses)

It would have been obvious to one of ordinary skill in the art to modify Bandini-Mastrianni as taught by Lewis to enable the capability to utilize a blacklist containing restricted IP addresses. One of ordinary skill in the art would have been motivated to employ the teachings of Lewis in order to enable the capability to utilize an improved customer interface for email processing. (see Lewis paragraph [0009], lines 1-7)

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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